

Applicant : Alexei A. Erchak
Serial No. : 10/724,006
Filed : November 26, 2003
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Attorney's Docket No.: 16459-009001 / LD-09

Amendments to the Drawings:

Please substitute the enclosed 19 replacement sheets of drawings for the drawings presently in the application. The attached replacement sheets of drawings include newly added FIGS. 24 and 25.

Attachments following last page of this Amendment:

Replacement Sheets (19 pages)

REMARKS

In response to the Office Action mailed on May 23, 2005, Applicants canceled claims 26, 36-46, 48-58. Claims 1, 3-7, 9-25, 27, 28, and 47 are presented for examination.

The Examiner objected to FIG. 23 because, in the Examiner's view, this figure depicts a device that is not described in the specification. But, this device is described in the application as originally filed at, for example, page 4, line 28 to page 5, line 5 and page 9, lines 10-18.

The Examiner also stated that the drawings failed to show a material that is substantially transparent to light that emerges from the light emitting device as recited in claim 6. Applicants added new FIG. 24 to address this objection. The Examiner also stated that the drawings failed to show a packaged device as recited in claims 3-4, 37, 41, and 52. Applicants added new FIG. 25 to address this objection. In view of the foregoing, these objections should be withdrawn.

The Examiner rejected claims 24 and 57 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. However, the application as originally filed disclosed an embodiment of a device covered by claims 24 and 57. Therefore, the rejection of claims 24 and 57 under 35 U.S.C. § 112, first paragraph should be withdrawn.¹

The Examiner rejected claims 1, 3-7, 9-25, 27-28, and 47-48 under 35 U.S.C. § 103(a) as being unpatentable over Krames (US 5,779,924) in view of Heremans (US 6,504,180) and Schofield (US 6,690,268).

Claims 1, 3-7, 9-25, 27-28, and 47-48 cover devices with a phosphor material disposed on a layer having a patterned surface.

Krames does not disclose such devices. Nor is there any suggestion to modify Krames to provide the devices covered by claims 1, 3-7, 9-25, 27-28, and 47-48. Krames wanted to provide a device with increased light extraction, and, according to Krames, he met this objective. (See,

¹ In making this rejection, the Examiner stated that "[t]here is no support in the embodiment of figure 14 for a pattern extending beyond the first layer, as recited in claims 24 and 57." Thus, it appears that the Examiner may be concerned that the subject matter covered by claims 24 and 57 does not fall within the scope of the elected subject matter. Without conceding that such a view would be appropriate, Applicants believe that this is not an issue that the Examiner should address by rejecting claims 24 and 57 under 35 U.S.C. §112, first paragraph for failing to satisfy the written description requirement.

e.g., Krames col. 2, line 66-col. 3, line 20.) After reading this, one skilled in the art would not have been motivated to modify Krames.

Even if one skilled in the art would have somehow been motivated to modify Krames, neither Heremans nor Schofield, alone or in combination, cure Krames' deficiencies.

Heremans describes a light emitting device in which a phosphor layer is incorporated into a foil which serves as a transparent carrier layer 2728 for the device. (Heremans col. 23, lines 55-67 and Fig. 27.) As shown in FIG. 27, the transparent carrier layer 2728 is separated from the patterned surface by a layer of material (not numbered). Therefore, Heremans does not disclose the devices covered by claims 1, 3-7, 9-25, 27-28, and 47-48. Further, there is no suggestion modify Heremans to dispose his phosphor material in the manner required by these claims because Heremans' discloses that the carrier layer in which the phosphor is disposed is used to provide support for the device. (Id. lines 49-54.)

Schofield discloses a light emitting diode contained in a phosphor-mixed transparent resin package. (Schofield col. 146, lines 47-55.) As would be appreciated by one skilled in the art, because Schofield's phosphor layer is included in the package, and not on the surface of the light emitting device, Schofield does not disclose the devices covered by claims 1, 3-7, 9-25, 27-28, and 47-48. Moreover, there is no suggestion to modify Schofield to dispose his phosphor material in the manner required by these claims.

None of Krames, Heremans and Schofield, alone or in combination, discloses or suggests the devices covered by claims 1, 3-7, 9-25, 27-28, and 47-48. There is no suggestion to combine these references to provide such devices. Even if the references were combined, the result would not be the devices covered by these claims. Applicants therefore request reconsideration and withdrawal of the rejection of claims 1, 3-7, 9-25, 27-28, and 47-48 under 35 U.S.C. § 103(a).

The Examiner rejected claims 37-46, 48, and 50-58 under 35 U.S.C. § 103(a) as being unpatentable over Krames (US 5,779,924) in view of Heremans (US 6,504,180) and Schofield (US 6,690,268). Without conceding that this rejection is appropriate, Applicants canceled claims 36-46, 48, and 50-58 in order to pursue these claims in a continuation application. Therefore, this rejection should be withdrawn.

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Applicants believe the application is in condition for allowance, which action is requested.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 7/12/05


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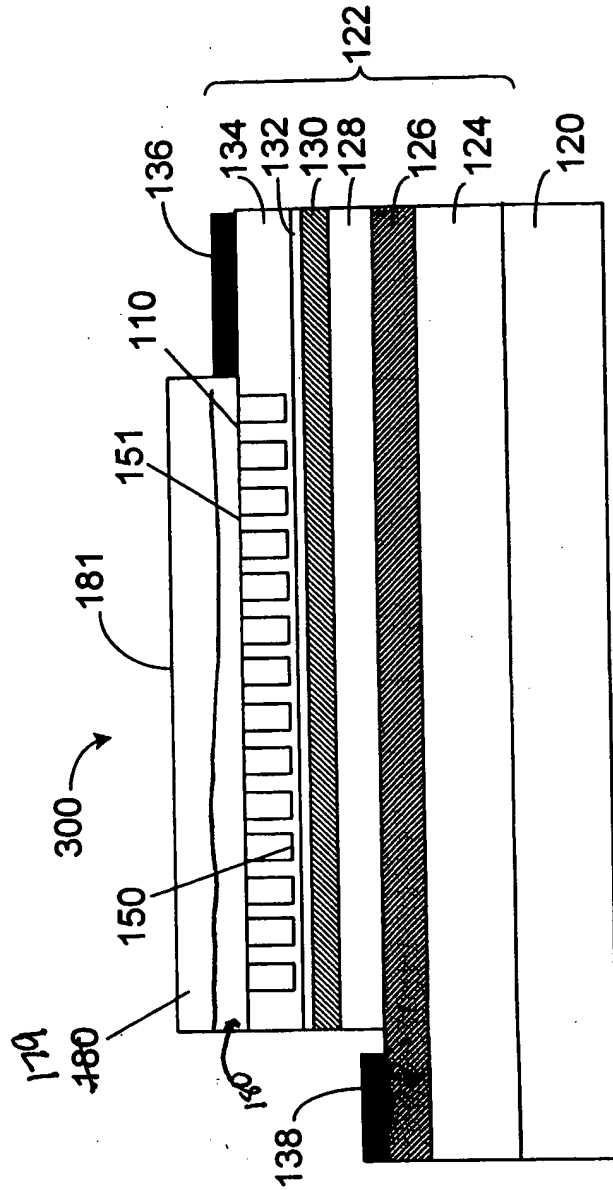


FIG. 14a

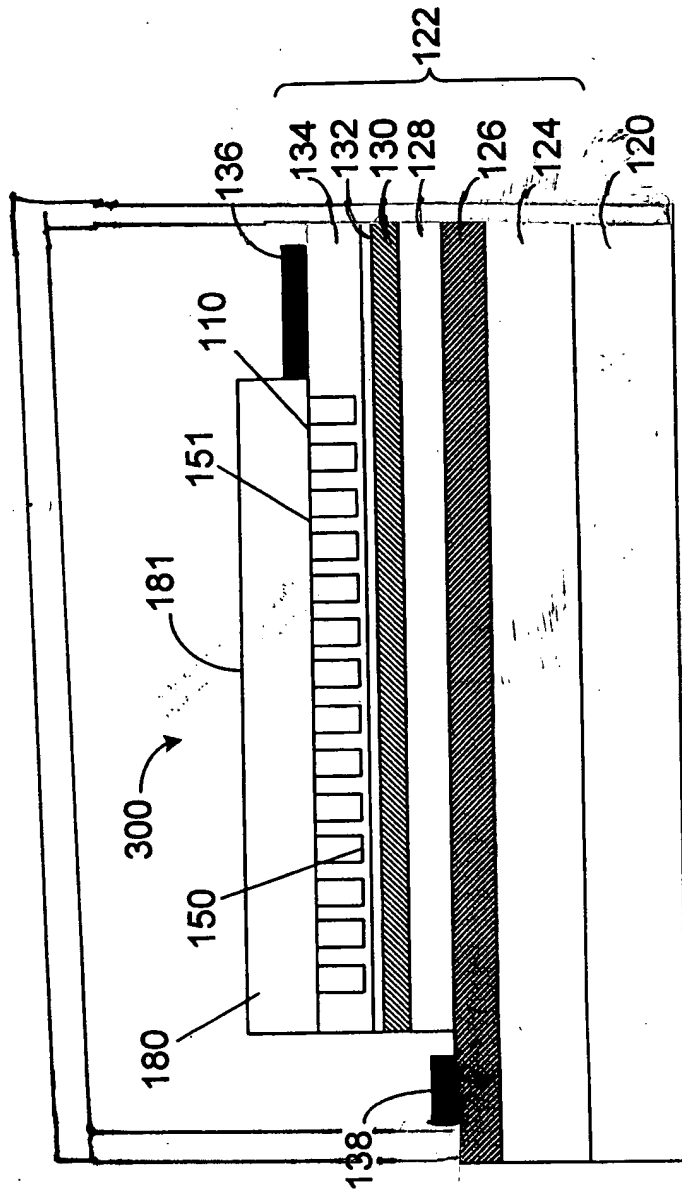


FIG. 14a5